

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) No. 03 MDL 1570 (RCC)
) ECF Case
)

This document relates to:

BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No. 03-CV-5738;

BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No. 03-CV-9849;

CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 04-CV-05970;

EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07279;

FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*, Case No. 03-CV-6978;

NEW YORK MARINE AND GENERAL INSURANCE CO. v. AL QAIDA, *et al.*, Case No. 04-CV-6105; and

WORLD TRADE CENTER PROPERTIES LLC, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07280.

**NOTICE OF MOHAMED ALI MUSHAYT'S
AND THE MUSHAYT FOR TRADING ESTABLISHMENT'S
CONSOLIDATED MOTION TO DISMISS**

PLEASE TAKE NOTICE that, pursuant to Rule 12(b), Fed. R. Civ. P., defendants Mohamed Ali Mushayt and the Mushayt for Trading Establishment, by and through undersigned counsel, hereby make a limited appearance for the purpose of moving the Court, before the Honorable Richard C. Casey, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing, pursuant to Rules 12(b)(2), 12(b)(5), and 12(b)(6), Fed. R. Civ. P., the plaintiffs' complaints in the following seven cases, Burnett, et al. v. Al Baraka Investment & Development Corp., et al., Case No. 03-CV-5738; Burnett, et al. v. Al Baraka Investment & Development Corp., et al., Case No. 03-CV-9849; Continental Casualty

Co., et al. v. Al Qaeda Islamic Army, et al., Case No. 04-CV-05970; Euro Brokers, Inc., et al. v. Al Baraka Investment and Development Corp., et al., Case No. 04-CV-07279; Federal Insurance Co., et al. v. Al Qaida, et al., Case No. 03-CV-6978; New York Marine and General Insurance Co. v. Al Qaida, et al., Case No. 04-CV-6105; and World Trade Center Properties LLC, et al. v. Al Baraka Investment and Development Corp., et al., Case No. 04-CV-07280, on the basis of (1) lack of personal jurisdiction, since Mr. Mushayt and the Mushayt for Trading Establishment lacked contacts with the United States, either generally, or specifically related to the allegations in the complaint; (2) failure to state a claim upon which relief can be granted, and (3) improper service of process. A memorandum of law, with exhibits, in support of this Motion is attached hereto.

Respectfully submitted,

/s/ Lynne Bernabei

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